



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,856	10/14/2004	Jonathan V. Caspar	CL1936USPCT	6354

7590

09/29/2005

Daphne P Fickes
E I du Pont de Nemours and Company
Legal - Patents
4417 Lancaster Pike
Wilmington, DE 19898

EXAMINER

SCHILLING, RICHARD L

ART UNIT

PAPER NUMBER

1752

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/511,856

Applicant(s)

CASPAR ET AL.

Examiner

Richard L. Schilling

Art Unit

1752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5-31-05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

Art Unit: 1752

1. Claims 4, 8, 9, 14-29, 39 and 40-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There are no periods for claims 4 and 24. The terms "eparating" in claim 14 and "pplying" in claim 17 are indefinite. There is no clear antecedent basis for "the image receiving layer" in claim 39 since the parent claims do not recite image receiving layers. In claim 40 it is indefinite as to whether it is intended for the display to comprise the donor element. What is being claimed in claims 40-46, e.g. donor element plus color filter, crosslinked color filter of said binder or noncrosslinked color filter, is indefinite.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Andrews et al. '547. Andrews et al. (see particularly paragraphs 46-50,82,92,93,129,156,170-175,187 ; example 4) discloses thermal transfer layers with crosslinkable glycidyl methacrylate copolymers with number avg. MW of 20,000 in example 4. Transfer to glass supports for making color filters and overcoating with

Art Unit: 1752

protective layers of crosslinkable low MW polymers as used for the transfer layers is also disclosed.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

3. Claims 1-23, 25, 26, 28, 30-36 and 40-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Andrews et al. '614. Andrews et al. (see particularly col. 2, line55- col.3, line20; col. 4,lines 8-13; col.6,lines 2-60; col. 9, line46- col. 10, line7; table 3, polymer P7; ex. 12-16) disclose thermal transfer layers with crosslinkable polymers with number avg. MW of 40,000 used in processes with transfer to glass to make color filters.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 1752

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8, 10-16, 30-36 and 40-46 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Mizuno et al. Mizuno et al. (see particularly col. 3, line 36- col. 4, line 23; col. 4, line 65- col. 6, line 15) discloses thermal transfer layers with crosslinkable plasticizer oligomers. If Mizuno et al. do not anticipate the instant claims , then it would be obvious to one skilled in the art to use oligomers with low molecular weights as required by the instant claims.

5. Claims 1-6 and 8-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Schneider et al. Schneider et al. (see particularly col. 6, line 26- col. 8, line 25) discloses thermal transfer layers with crosslinkable polymers with number average MW of less than 20,000.

6. Claims 1-23 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Blanchet-Fincher et al. '451. Blanchet-Fincher et al. (see col. 10, line 9- col. 12, line 8; col. 13, lines 1-30) disclose thermal transfer layers with crosslinkable oligomer resins. If the claims are not anticipated, then it would be obvious to one skilled in the art to use the resins with MW required by the instant claims.

7. Claims 1-23, 30- 32 and 36 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Reardon et al. Reardon et al. (see col. 2, lines 24-50; col. 5, line 35- col. 6, line 44; col. 8, lines 36-63; col. 9, lines 51-65) disclose thermal transfer layers with crosslinking resins of low MW

Art Unit: 1752

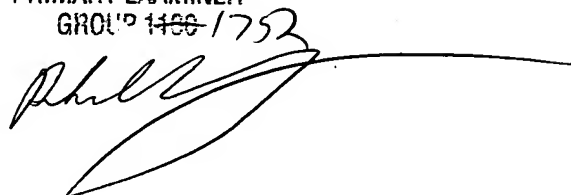
oligomers. It would at least be obvious to use the low MW range of the instant claims for the oligomers in Reardon et al.

8. The prior art cited by applicants has been considered.

Any inquiry concerning this communication should be directed to Richard L.

Schilling at telephone number 571-272-1335.

RICHARD L. SCHILLING
PRIMARY EXAMINER
GROUP 1400-1752

A handwritten signature in black ink, appearing to read 'Richard L. Schilling', is written over the printed name and title. The signature is stylized with a large, sweeping flourish that extends to the right.